

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**TRUSTEES OF THE INSULATORS
LOCAL 84 HEALTH CARE PLAN, et al.**

Plaintiffs,

vs.

DST INSULATION, INC.

Defendant.

CASE NO.: 1:11-cv-306

JUDGE DONALD C. NUGENT

JUDGMENT ENTRY

Allotta, Farley & Widman Co. LPA

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Plaintiffs having moved for an order for a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, and it appearing to this Court that (1) the Complaint in this action was filed against Defendant(s) on or about the 11th day of February 2011; (2) that the Summons and Complaint were duly served on Defendant by certified mail on the 18th day of February, 2011; (3) no Answer or other defense has ever been filed by Defendant as shown by the records of this Court; (5) default has been entered in the civil docket in the office of the Clerk of this Court, and no proceedings have been taken by Defendant since said default was entered; (6) Defendant is/are not in the Military Service; and (7) Defendant is not an infant or incompetent person, it is hereby:

ORDERED, ADJUDGED AND DECREED that judgment is entered against Defendant and for Plaintiffs as follows:

- (1) The amount of \$21,564.77 for known liquidated damages and interest for the months of November 2008, December 2008, February 2009, April 2009, June 2009, July 2009, August 2009, January 2010, February 2010, March 2010, April 2010, June 2010, September 2010, and November 2010;
- (2) Order Defendant to make all of his books and records for the period of January 1, 2009 through the present available for inspection upon the request of the Funds' auditor so that Plaintiffs may determine the amount of damages due them;
- (3) An amount to be determined by the payroll audit for delinquent fringe benefit contributions and liquidated damages in the amount of ten percent (10%) of the unpaid contributions;
- (4) Order Defendant to immediately obtain an appropriate bond, in an amount required by the current collective bargaining agreement;
- (5) The amount of \$2,849.93 Plaintiffs' reasonable attorney fees and the costs of this action; and
- (6) Any other relief this Court finds just and equitable

for a total of \$24,414.70. Interest shall accrue at the rate found in 28 U.S.C. Section 1961 per annum from the date of this judgment.

IT IS FURTHER ORDERED that Defendant(s) shall within thirty days of receipt of this Order fully cooperate with the Plaintiffs' auditor and make available for inspection at the Fund Office, 33 Fitch Blvd Austintown, OH 44515, all of their books and records and other information necessary for the completion of such an audit and for a calculation of delinquent fringe benefit contributions and liquidated damages in the amount of ten percent (10%) of the unpaid contributions which are due and owing Plaintiffs for the period of January 1, 2009 through the present. Defendant shall also cooperate with Plaintiffs in regards to whatever other discovery deemed necessary in this case to calculate any and all damages due and owing Plaintiffs.

IT IS FURTHER ORDERED that after Plaintiffs have completed their review of Defendant's books and records and whatever other discovery deemed necessary in this case, Plaintiffs will submit to this Court proof of their additional damages at which time, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure this Court will determine whether to conduct a hearing before entering a judgment for additional damages against the Defendant.

Arnold C. Hest
JUDGE

March 24, 2011
Date